MONTANA LEGISLATIVE HISTORY

Chapter 706 1991

Bill H 896 S _____ Original bill & history ✓ C

H. Committee on Judiciary			S. Committee on State Admin.		
Hearing Date(s)	2-22	___C	Hearing Date(s)	3-14	___C
	_____	___C		4-10	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	_____	___C			

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Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

HB 894 INTRODUCED BY KIMBERLEY, ET AL.
PROVIDE TAX CREDIT FOR CONTRIBUTION
TO UNIVERSITY SYSTEM FOUNDATION

2/16	INTRODUCED		
2/16	REFERRED TO TAXATION		
2/16	FIRST READING		
2/16	FISCAL NOTE REQUESTED		
2/21	FISCAL NOTE RECEIVED		
2/23	FISCAL NOTE PRINTED		
3/14	HEARING		
3/28	COMMITTEE REPORT—BILL PASSED AS AMENDED		
4/02	2ND READING PASSED	71	20
4/04	3RD READING PASSED	76	24
	TRANSMITTED TO SENATE		
4/04	FIRST READING		
4/04	REFERRED TO TAXATION		
4/05	HEARING		
4/05	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/08	2ND READING CONCURRED	49	0
4/09	3RD READING CONCURRED	44	1
	RETURNED TO HOUSE WITH AMENDMENTS		
4/11	2ND READING AMENDMENTS CONCURRED	94	3
4/12	3RD READING AMENDMENTS CONCURRED	89	9
4/17	SIGNED BY SPEAKER		
4/17	SIGNED BY PRESIDENT		
4/17	TRANSMITTED TO GOVERNOR		
4/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 542	EFFECTIVE DATE: 4/22/91	

HB 895 INTRODUCED BY J. BROWN
REVISE LAWS RELATING TO DEATH CERTIFICATES
AND REMOVAL OF DEAD BODIES
BY REQUEST OF DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

2/16	INTRODUCED		
2/16	REFERRED TO HUMAN SERVICES & AGING		
2/16	FIRST READING		
2/20	HEARING		
2/23	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/26	2ND READING PASSED	96	4
2/27	3RD READING PASSED	96	4
	TRANSMITTED TO SENATE		
2/27	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/04	FIRST READING		
3/22	HEARING		
3/23	TABLED IN COMMITTEE		

HB 896 INTRODUCED BY PETERSON, ET AL.
GENERALLY REVISE FIRE MARSHAL LAW
BY REQUEST OF DEPARTMENT OF JUSTICE

2/16	INTRODUCED		
2/16	REFERRED TO JUDICIARY		
2/16	FIRST READING		
2/16	FISCAL NOTE REQUESTED		
2/22	HEARING		
2/22	FISCAL NOTE RECEIVED		
2/23	FISCAL NOTE PRINTED		
2/23	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/26	2ND READING PASSED	90	10
2/27	3RD READING PASSED	96	4

	TRANSMITTED TO SENATE		
2/27	REFERRED TO STATE ADMINISTRATION		
3/04	FIRST READING		
3/14	HEARING		
4/10	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/16	2ND READING CONCURRED	49	0
4/17	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/18	2ND READING AMENDMENTS CONCURRED	96	0
4/19	3RD READING AMENDMENTS CONCURRED	95	2
4/23	SIGNED BY SPEAKER		
4/23	SIGNED BY PRESIDENT		
4/23	TRANSMITTED TO GOVERNOR		
4/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 706	EFFECTIVE DATE: 4/29/91	

HB 897 INTRODUCED BY ZOOK, ET AL.
CONSOLIDATE RECORDS MANAGEMENT IN SECRETARY OF STATE
BY REQUEST OF HOUSE APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT

2/16	INTRODUCED		
2/16	REFERRED TO APPROPRIATIONS		
2/16	FIRST READING		
3/08	HEARING		
3/08	COMMITTEE REPORT—BILL PASSED		
3/11	2ND READING PASSED	99	0
3/14	3RD READING PASSED	100	0
	TRANSMITTED TO SENATE		
3/15	FIRST READING		
3/15	REFERRED TO FINANCE & CLAIMS		
3/21	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED		
3/23	2ND READING CONCURRED	47	0
3/25	3RD READING CONCURRED	48	0
	RETURNED TO HOUSE		
4/01	SIGNED BY SPEAKER		
4/01	SIGNED BY PRESIDENT		
4/01	TRANSMITTED TO GOVERNOR		
4/06	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 378	EFFECTIVE DATE: 7/01/91	

HB 898 INTRODUCED BY MESSMORE
EXTRAORDINARY CIRCUMSTANCES FOR EXAMINATION AT STATE HOSPITAL
BY REQUEST OF DEPARTMENT OF INSTITUTIONS

2/16	INTRODUCED
2/16	REFERRED TO JUDICIARY
2/16	FIRST READING
2/16	FISCAL NOTE REQUESTED
2/21	FISCAL NOTE RECEIVED
2/22	HEARING
2/22	TABLED IN COMMITTEE

HB 899 INTRODUCED BY FORRESTER ORIGINALLY; COCCHIARELLA BECAME PRIMARY SPONSOR ON 2/22
EXPAND THE DEFINITION OF TRAFFIC EDUCATION PROGRAM

2/16	INTRODUCED
2/16	REFERRED TO HIGHWAYS & TRANSPORTATION
2/16	FIRST READING

LC 1122/01

HOUSE BILL NO. 896

INTRODUCED BY Peterson

Jack BY REQUEST OF THE DEPARTMENT OF JUSTICE

Complying Trust Jack WARRENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE CERTAIN STATUTES PERTAINING TO THE POWERS AND DUTIES OF THE STATE FIRE MARSHAL; CHANGING CERTAIN STATUTORY REFERENCES TO THE STATE FIRE MARSHAL TO THE DEPARTMENT OF JUSTICE; AMENDING SECTIONS 2-15-1519, 2-15-2005, 2-15-2108, 50-3-101, 50-3-102, 50-3-103, 50-3-106, 50-39-101, 50-39-102, 50-39-103, 50-39-104, 50-39-105, 50-39-202, 50-61-101, 50-61-102, 50-61-106, 50-61-114, 50-61-115, 50-61-117, 50-61-118, 50-61-121, 50-62-101, 50-62-102, 50-62-103, 50-62-104, 50-62-105, 50-62-106, 50-62-107, 50-62-110, 50-62-111, 50-63-101, 50-63-201, 50-63-203, 50-78-301, 52-2-733, AND 52-2-734, MCA; REPEALING SECTIONS 50-3-104, 50-3-105, 50-3-107, 50-3-108, 50-61-104, 50-61-105, 50-61-107, 50-61-108, 50-61-109, 50-61-110, 50-61-111, 50-62-108, 50-62-109, 50-63-301, 50-63-302, 50-63-303, 50-63-304, 50-63-305, 50-63-306, 50-63-307, AND 50-63-308, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** **Name of fire marshal changed -- instructions to code commissioner.** (1) The name of the state fire marshal is changed to the state fire prevention and investigation program of the department of justice.

(2) Unless inconsistent with [sections 1 through 37], wherever the term "state fire marshal" or "fire marshal" appears in the Montana Code Annotated, the code commissioner shall change the term to the "state fire prevention and investigation program of the department of justice", "fire prevention and investigation program" (of the department of justice), or "program", as appropriate. The code commissioner shall also conform internal references and grammar to these changes.

Section 2. Section 2-15-1519, MCA, is amended to read:

"2-15-1519. **Fire services training advisory council.** (1) The board of regents shall appoint a fire services training advisory council to work with the director of the fire services training school. The membership of the council shall include the following:

(a) a fire chief;

(b) a volunteer firefighter;

(c) a paid firefighter;

(d) a fire service instructor;

(e) a person involved in fire prevention;

(f) a representative of the insurance industry; and

(g) a professional educator.

(2) The board shall solicit and consider the

INTRODUCED BILL
HB 896

recommendations of appropriate organizations and associations of fire service personnel in making appointments under subsection (1) of this section.

(3) Members appointed shall serve for a 4-year term and may be removed for cause. If a vacancy occurs, a member shall be appointed to fill the unexpired term. A member may be reappointed.

(4) ~~The state fire marshal~~ A representative of the state fire prevention and investigation program of the department of justice, a fire control officer designated by the commissioner of state lands, and the director of the fire services training school are ex officio members of the council."

Section 3. Section 2-15-2005, MCA, is amended to read:

"2-15-2005. State fire ~~marshal~~ prevention and investigation program -- advisory council. (1) There is a state fire ~~marshal~~ prevention and investigation program in the department of justice ~~who is~~ and under the supervision and control of the attorney general.

(2) A person appointed to administer the fire prevention and investigation program shall represent the state of Montana as the state fire marshal and must be a person qualified by experience, training, and high professional competence in matters of fire service and safety. ~~state fire marshal shall have:~~

~~(a) at least 10 years of progressively responsible experience in fire protection;~~

~~(b) a 2-year associate degree in fire protection engineering from a recognized institution of higher education and 2 years' experience in fire protection; or~~

~~(c) a degree from a recognized institution of higher education in fire protection engineering or fire protection technology.~~

(3) The attorney general shall create a fire ~~marshal~~ prevention and investigation advisory council in accordance with procedures provided in 2-15-122."

Section 4. Section 2-15-2108, MCA, is amended to read:

"2-15-2108. Petroleum tank release compensation board. (1) There is a petroleum tank release compensation board.

(2) The board consists of seven members appointed by the governor as follows:

(a) the director of the department of health and environmental sciences or his representative;

(b) ~~the state fire marshal or his representative~~ a representative of the state fire prevention and investigation program of the department of justice;

(c) a representative of the petroleum services industry;

(d) a representative of independent petroleum marketers and chain retailers;

(e) a representative of the general public;

(f) a representative of service station dealers; and

(g) a representative of the insurance industry.

(3) The board shall elect a chairman.

(4) The term of membership is 3 years.

(5) Members shall serve without pay, but are entitled to reimbursement for travel, meals, and lodging while engaged in board business, as provided in 2-18-501 through 2-18-503."

Section 5. Section 50-3-101, MCA, is amended to read:

"50-3-101. ~~Fire-marshal-defined~~ Definitions. In this chapter, "department" means the department of justice and "fire ~~marshal~~ prevention and investigation program" ~~or "state-fire-marshal"~~ means the state fire ~~marshal~~ prevention and investigation program of the department of justice provided for in 2-15-2005."

Section 6. Section 50-3-102, MCA, is amended to read:

"50-3-102. Powers and duties of department regarding state fire ~~marshal~~ prevention and investigation. (1) For the purpose of reducing the state's fire loss, the ~~state--fire marshal~~ department shall:

(a) make at least one inspection a year of each state institution and submit a copy of the report to the department of institutions with recommendations in regard to fire prevention, fire protection, and public safety;

(b) make at least one inspection a year of each unit of the Montana university system and submit a copy of the report to the commissioner of higher education with recommendations in regard to fire prevention, fire protection, and public safety;

(c) inspect other state-owned buildings and submit a report to the department of administration with recommendations in regard to fire prevention, fire protection, and public safety;

~~(c)~~(d) inspect public, business, or industrial buildings, as provided in chapter 61, and require conformance to law and rules promulgated under the provisions of this chapter;

~~(d)~~(e) assist local fire and law enforcement authorities in arson investigations and may initiate or supervise ~~such~~ these investigations when, in ~~his~~ its judgment, the initiation or supervision is necessary;

~~(e) review all training programs on investigation of accidental and incendiary fires;~~

(f) provide fire prevention and fire protection information to public officials and the general public;

~~(g) encourage and assist local fire authorities in fire prevention programs and adopt standards and implement a program to encourage fire departments to meet such standards;~~

~~(h)~~(g) be serve as the state entity primarily responsible for promoting fire safety at the state level ~~and to represent the state in structural fire matters~~;

~~(i)~~(h) encourage coordination of all services and agencies in ~~structural~~ fire prevention matters to reduce duplication and fill voids in services;

~~(j)~~(i) establish rules concerning responsibilities and procedures to be followed when there is a threat of explosive material in a building housing state offices; and

~~(k)~~(j) keep ~~in his office~~ a record of all fires occurring in the state, the origin of the fires, and all facts, statistics, and circumstances relating ~~thereto which~~ to the fires that have been determined by investigations under the provisions of chapter 63. ~~of this title, and~~ ~~except~~ Except for statements of witnesses given during an investigation, ~~and~~ information that may be held in confidence under 50-63-403, and criminal justice information subject to restrictions on dissemination in accordance with Title 44, chapter 5, the record ~~shall~~ must be open at all times to public inspection; ~~and~~

~~(l) make an annual report to the attorney general containing a detailed statement of his official action and the transactions of his department, and the attorney general shall, in turn, submit the report to the governor with such recommendations and comments thereon as he considers~~

~~necessary~~.

(2) The ~~state fire marshal~~ department may adopt rules necessary for safeguarding life and property from the hazards of fire and carrying into effect the fire prevention laws of this state.

(3) The ~~state fire marshal~~ department shall adopt rules based on nationally recognized standards necessary for safeguarding life and property from the hazards associated with the manufacture, transportation, storage, sale, and use of explosive materials.

(4) If necessary to safeguard life and property under rules promulgated pursuant to this section, the ~~state fire marshal~~ department may maintain an action to enjoin the use of all or a portion of a building or restrain a specific activity until there is compliance with the rules."

Section 7. Section 50-3-103, MCA, is amended to read:

"**50-3-103. Rules promulgated by ~~state fire marshal~~ department.** (1) Rules promulgated by the ~~state fire marshal~~ department by authority of 50-3-102 ~~shall~~ must be reasonable and calculated to effect the purposes of this chapter. They ~~shall~~ must include but are not be limited to requirements for design, construction, installation, operation, storage, handling, maintenance, or use of structural requirements for various types of construction; building restrictions within congested districts; exit facilities from structures; fire

extinguishers, fire alarm systems, and fire extinguishing systems; fire emergency drills; flue and chimney construction; heating devices; electrical wiring and equipment; air conditioning, ventilating, and other duct systems; refrigeration systems; flammable liquids; oil and gas wells; application of flammable finishes; explosives, acetylene, liquefied petroleum gas, and similar products; calcium carbide and acetylene generators; flammable motion picture film; combustible fibers; hazardous chemicals or materials; rubbish; open-flame open-flame devices; parking of vehicles; dust explosions; lightning protection; storage of smokeless powder and small arms primers; and other special fire hazards.

(2) If rules relate to building and equipment standards covered by the state or a municipal building code, the rules are effective upon approval of the department of commerce and filing with the secretary of state.

(3) Standards of the national fire protection association, United States bureau of standards, and American insurance association Federal or other nationally recognized standards for fire protection may be adopted in whole or in part by reference.

(4) Rules shall must be adopted as prescribed in the Montana Administrative Procedure Act.

(5) Any A person violating any rule made under the

provisions of this part shall be is guilty of a misdemeanor."

Section 8. Section 50-3-106, MCA, is amended to read:

"50-3-106. Appointment of special deputy--state fire marshals fire inspectors. (1) The state fire marshal may appoint special deputy state fire marshals throughout the state and define their duties. Special fire inspectors may be appointed to perform any function of the fire prevention and investigation program.

(2) When performing these duties or attending a training course conducted by the state fire marshal approved by the department, special deputy fire marshals fire inspectors may be paid at a rate not to exceed $56 a day plus travel expenses as provided for in 2-18-501 through 2-18-503, as amended."

Section 9. Section 50-39-101, MCA, is amended to read:

"50-39-101. Certificate of registration, permit, and license required. A natural person must shall obtain a certificate of registration from the state fire marshal department of justice prior to servicing or installing of fire extinguishers, fire alarm systems, or fire extinguishing systems. A person or firm must shall obtain from the fire marshal department a permit to sell or a license to install fire extinguishers, fire alarm systems, or fire extinguishing systems prior to engaging in such the

business."

Section 10. Section 50-39-102, MCA, is amended to read:

"**50-39-102. Application for certificate, permit, and license.** (1) Applications for licenses, permits, or certificates ~~shall~~ must be made on a form prescribed by the ~~state-fire-marshal~~ department of justice.

(2) The ~~fire-marshal~~ department shall issue a license to an applicant who submits satisfactory proof that he is properly equipped and staffed to provide the services to be licensed and who pays the required fee.

(3) The ~~fire---marshal~~ department shall issue a certificate of registration to an applicant who scores a passing grade on an examination devised by the ~~fire-marshal~~ department and who pays the required fee.

(4) The ~~fire-marshal~~ department shall issue a sales permit to an applicant who submits the information required by the ~~fire-marshal~~ department on the application form, who submits satisfactory proof that he deals only in equipment that meets the standards and regulations of the ~~state--fire marshal~~ department, and who pays the required fee."

Section 11. Section 50-39-103, MCA, is amended to read:

"**50-39-103. Inspections and examinations authorized.** The ~~state--fire--marshal~~ department of justice may conduct inspections, examinations, or hearings prior to the issuance of licenses, permits, or certificates."

Section 12. Section 50-39-104, MCA, is amended to read:

"**50-39-104. Revocations and suspensions authorized.** The ~~state--fire--marshal~~ department of justice may revoke, suspend, or refuse to issue a license, permit, or certificate for violation of the provisions of this part or any rules promulgated by the ~~fire-marshal~~ department under applicable law."

Section 13. Section 50-39-105, MCA, is amended to read:

"**50-39-105. Fees.** (1) The ~~state--fire--marshal--or--his representative~~ department of justice shall charge a ~~fee, not to exceed a total of $25,~~ for the inspection and issuance of licenses, permits, and certificates. The fee may not exceed $50 for each license, permit, or certificate issued.

(2) All fees collected under this section ~~shall~~ must be paid into the ~~general fund~~ fire prevention and investigation account in the state special revenue fund."

Section 14. Section 50-39-202, MCA, is amended to read:

"**50-39-202. Fire marshal** prevention and investigation program **to direct standardization.** The standardization of existing fire protection equipment in this state shall be arranged for and carried out by or under the direction of the state fire ~~marshal---of---Montana~~ prevention and investigation program of the department of justice. The ~~state-fire-marshal~~ program is authorized to proceed to make such changes as may be necessary to standardize all existing

fire protection equipment in this state ~~immediately after March 1, 1929~~. ~~He~~ The program shall provide ~~such~~ appliances as are necessary for carrying on this work and shall proceed with ~~such~~ standardization as rapidly as possible and complete ~~such~~ the work at the earliest date circumstances will permit."

Section 15. Section 50-61-101, MCA, is amended to read:

"**50-61-101. Purpose of chapter.** The purpose and intent of this chapter ~~is~~ are to provide for the public safety in case of fire in those occupancies specified in 50-61-103~~, to provide for fire escapes, fire fighting apparatus, fire alarms~~; and to provide for inspection of ~~such~~ the buildings and premises by specified officers."

Section 16. Section 50-61-102, MCA, is amended to read:

"**50-61-102. ~~Fire marshal~~ Department of justice to administer chapter.** (1) The ~~state fire marshal~~ department of justice has general charge and supervision of the enforcement of this chapter, and the officers enumerated in 50-61-114 shall act under ~~his~~ its general charge and supervision, shall assist ~~him~~ the department in giving effect to this chapter, and are subject to ~~his~~ its direction and the rules adopted under 50-3-102 and 50-3-103 for the enforcement of 50-61-120 and 50-61-121 and this chapter.

(2) Upon its approval of a fire code and a plan for enforcement of the code filed by a municipality or district, the department may certify a municipal or district fire inspection program for local enforcement."

Section 17. Section 50-61-106, MCA, is amended to read:

"**50-61-106. Unlawful to obstruct fire escape exit.** It ~~shall be~~ is unlawful to obstruct in any manner ~~whatsoever~~ any fire ~~escape~~ exit, or any hallway, corridor, or entranceway leading to a fire exit, required by ~~the provisions of this chapter or hallway, corridor, or entranceway leading thereto~~ rules adopted by the department of justice."

Section 18. Section 50-61-114, MCA, is amended to read:

"**50-61-114. Fire chief and ~~county sheriff~~ fire inspector to make inspections.** The chief of the fire department of each municipality or district ~~where~~ when a fire department inspection program is established ~~and the county sheriff or deputy fire marshals~~ or a fire inspector of the department of justice ~~where~~ when no fire department inspection program exists ~~shall~~, for the purpose of examining the premises for violations of this chapter and rules adopted under 50-3-103 for the enforcement of this chapter:

(1) shall enter into school buildings at least once each 12 months; and

(2) may enter into all other buildings and upon all other premises within ~~their~~ his jurisdiction, according to

priority schedules established by the department for conducting inspections of buildings and premises ~~at least once each 18 months~~."

Section 19. Section 50-61-115, MCA, is amended to read:

"50-61-115. Notice of violations. (1) When a building is found ~~which requires the erection of fire escapes and upon which fire escapes have not been erected according to the provisions of this chapter or if fire hoses, fire extinguishers, fire alarms, or other fire apparatus is found to be lacking or defective or not in good working condition,~~ that is not in compliance with fire safety rules promulgated by the department of justice, the person making the inspection or the ~~state fire marshal~~ department shall serve a written notice upon the party whose duty it is to ~~erect the fire escapes or maintain such fire apparatus~~ maintain the safety of the building.

(2) The notice ~~shall~~ must specify the time within which ~~the fire escapes shall be erected or~~ the defective conditions must be remedied, which may not be more than 90 days.

(3) The notice is served if delivered to the person to be notified, if left with any adult person at the usual residence or place of business of the person to be notified, or if deposited in the post office directed to the ~~last known~~ last-known address of the person to be notified.

Whenever buildings are managed and controlled by a board of trustees, board of commissioners, or other governing body, the notice is served if delivered to the president, secretary, or treasurer of the board of trustees, board of commissioners, or other governing body."

Section 20. Section 50-61-117, MCA, is amended to read:

"50-61-117. ~~Duty of fire marshal to file complaints of violations duty of county attorney to prosecute complaints~~Prosecution of violations. It ~~shall be~~ is the duty of the ~~state fire marshal or any person authorized to act in his stead~~ department of justice or other authorized officer to ~~file complaint for~~ furnish the county attorney with all evidence of violations of ~~the provisions of this chapter in any court of competent jurisdiction~~ rules adopted by the department within the county where said violations occur, and, if the evidence discloses the fact that a violation has occurred, it ~~shall be~~ is the duty of the county attorney of ~~such~~ the county to ~~forthwith~~ prosecute ~~all such complaints so filed~~ the person committing the violation in the same manner as in other cases."

Section 21. Section 50-61-118, MCA, is amended to read:

"**50-61-118. Injunction authorized.** In addition to the other remedies and penalties ~~herein~~ provided in this chapter, upon the failure of any of the parties charged with the duty to ~~erect fire escapes or to install and maintain~~

~~fire--alarms--or--fire-extinguishers-or-other-fire-apparatus~~ maintain the safety of the building premises in accordance with ~~this--chapter~~ rules adopted by the department of justice, the attorney general of the state or ~~any~~ the county attorney of the county where the building is located shall bring an action against the owner, lessee, and occupants of the building for an injunction enjoining the further occupancy of it until it is in compliance with this chapter. The action may be brought in the county where ~~such~~ the building is located."

Section 22. Section 50-61-121, MCA, is amended to read:

"**50-61-121. Restrictions on storage of smokeless powder and small arms primers.** (1) A retail establishment may stock up to 400 pounds of smokeless powder on the premises of a building with a sprinkler system or 200 pounds on the premises of a building without a sprinkler system if storage of this stock conforms to the following conditions:

(a) no more than 20 pounds are on display in a customer service area;

(b) the storage area is clearly posted as off limits to customers;

(c) the storage area is clearly posted prohibiting smoking or any open flame or sparks; and

(d) the storage area is a room designed and constructed to restrict smoke travel that is separate from the customer

service area, that has a self-closing entrance door, and that conforms to one of the following:

(i) It is constructed of material sufficient to achieve a 1-hour fire resistant-rated barrier between the storage area and the customer service area. The smokeless powder must be stored in cabinets made of wood or equivalent material that is at least 1 inch thick, and each cabinet must contain no more than 200 pounds of smokeless powder. Cabinets must be separated by 25 feet.

(ii) It is protected by a fire suppression sprinkler system approved by the state fire ~~marshal~~ prevention and investigation program of the department of justice or a fire marshal of the local jurisdiction, and the storage area has cabinets as provided for in subsection (1)(d)(i).

(iii) Smokeless powder stock is contained in a cabinet with casters and constructed of wood at least 1 inch thick that is covered on all sides with 5/8-inch sheetrock.

(2) A retail establishment may stock up to 250,000 small arms primers if storage of this stock conforms to the following conditions:

(a) no more than 20,000 primers in a building with a sprinkler system or 10,000 primers in a building without a sprinkler system are on display in a customer service area;

(b) the storage area must conform to the conditions imposed in subsections (1)(a) through (1)(d), except that no

more than 125,000 small arms primers may be stored in one cabinet, and the minimum required separation between cabinets is 15 feet; and

(c) small arms primers are retained in packaging approved by the U.S. department of transportation."

Section 23. Section 50-62-101, MCA, is amended to read:

"**50-62-101. Entering of buildings for purpose of examination authorized.** The ~~state fire marshal, his deputies and subordinates,~~ officers of the state fire prevention and investigation program of the department of justice or the chief of the fire department of each municipality or district where a fire department is established, ~~or the county sheriff where no fire department exists~~ at all reasonable hours may, as authorized by law, enter into all buildings and upon all premises within ~~their~~ his jurisdiction for the purpose of determining whether the building or premise conforms to laws and rules relating to fire hazards and fire safety."

Section 24. Section 50-62-102, MCA, is amended to read:

"**50-62-102. Structures** or conditions **creating fire hazard a public nuisance** -- **order to remedy.** (1) **Any** If any building or other structure **which** that for want of proper repair; by reason of age, dilapidated condition, defective or poorly installed wiring and equipment, defective chimneys, defective gas connections, defective heating

apparatus, or the existence of any combustible materials, flammable conditions, or other fire hazards; or for any other cause or reason is especially liable to fire and **which** is dangerous to the safety of the building premises or to the public or is so situated as to endanger other buildings and property in the vicinity ~~is hereby declared~~, the state fire prevention and investigation program of the department of justice or other officer may declare the building or other structure to be a public nuisance and proceed according to 50-62-103 or subsection (2) of this section.

(2) If the state fire prevention and investigation program, an officer of the program, or an officer mentioned in 50-62-101 determines that a building or other structure constitutes a public nuisance for any reason identified in subsection (1), the department or other officer shall order the hazardous condition or material to be removed or remedied. The order must be in writing and directed generally to the owner, lessee, agent, or occupant of the building or structure.

(3) If the hazardous condition or material can be removed or remedied within a period of 24 hours, the order must contain notice that the condition or material must be remedied or removed. The owner, lessee, agent, or occupant upon whom the notice is served who fails to comply with the notice is liable for any expenses incurred in the removal or

remedying of the hazardous condition or material by the fire prevention and investigation program or other officer mentioned in 50-62-101."

Section 25. Section 50-62-103, MCA, is amended to read:

"50-62-103. Service of order to repair hazardous condition or demolish structure. (1) If the ~~state-fire marshal, a deputy state fire marshal,~~ fire prevention and investigation program of the department of justice or any officer mentioned in 50-62-101, upon an examination or inspection, ~~finds~~ determines that a building or other structure ~~which--for--want-of-proper-repair-or-by-reason-of age-and-dilapidated-condition,-defective-or-poorly-installed electric-wiring-or-equipment,-defective-chimneys,--defective gas--connections--or--defective-heating-apparatus-or-for-any other-cause-or-reason-is-especially-liable-to-fire-and-is-so situated-as-to-endanger-other-buildings-or-property--in--the vicinity,--he~~ constitutes a public nuisance for any reason identified in 50-62-102 and the condition cannot be removed or remedied within 24 hours, the program or officer shall order the ~~structure~~ hazardous condition to be repaired, or the structure to be torn down, or demolished and all ~~materials removed and all~~ dangerous conditions remedied.

(2) The order shall be in writing, shall recite the grounds therefor, and shall be filed in the office of the clerk of the district court of the county in which the

building or structure ordered to be altered, repaired, or demolished is situated, and thereupon all further proceedings for the enforcement thereof shall be had in that court.

(3) A copy of the order filed as aforesaid, together with a written notice that it has been filed and will be put in force unless the owner, occupant, or tenant shall file with the clerk of the court his objections or answer thereto within the time specified in 50-62-104, shall be served upon the owner and any purchaser under contract for deed of the building or structure directed to be altered, repaired, or demolished. If there is a tenant occupying the building, service shall also be made upon him. Service shall be made upon the owner and occupant, if there is one, personally either within or without the state.

(4) If the whereabouts of the owner or any purchaser under contract for deed is unknown and cannot be ascertained by the ~~state-fire-marshal~~ department of justice by the exercise of reasonable diligence, then upon ~~his~~ filing in the office of the clerk of the district court ~~his~~ an affidavit to this effect, service of the notice upon the owner or any purchaser under contract for deed may be made by the clerk of the district court by publication of it once in each week for 3 successive weeks in a newspaper printed and published in the county in which the building or

structure is located and by posting a copy thereof in a conspicuous place upon the building or structure, and the service so made is complete upon the expiration of the publication period. Proof of service of the notice shall be filed in the office of the clerk of the district court within 5 days after the service thereof."

Section 26. Section 50-62-104, MCA, is amended to read:

"**50-62-104. Answer of owner or occupant.** (1) The owner of any building so condemned or any occupant or lessee upon whom such notice or order shall be served, within 20 days from the date of such service, may file with the clerk of the district court and serve upon the ~~said--state--fire marshal,--a-deputy-state-fire-marshal,~~ department of justice or any officer mentioned in 50-62-101 written objections to said order in the form of a verified answer denying the existence of any of the facts therein cited which he desires to controvert.

(2) If an answer be filed and served, the court shall hear and determine the issues so raised and give judgment thereon."

Section 27. Section 50-62-105, MCA, is amended to read:

"**50-62-105. Default judgment.** If no answer is so filed and served, the owner and all other persons in interest shall be deemed to be in default, and thereupon the court shall affirm the order of condemnation and direct the ~~state~~

~~fire-marshal~~ department of justice or other officer to proceed with the enforcement thereof."

Section 28. Section 50-62-106, MCA, is amended to read:

"**50-62-106. Hearing and judgment.** (1) The court, upon application of the ~~state-fire--marshal,--deputy--state--fire marshal,~~ department of justice or any officer mentioned in 50-62-101, shall make its order fixing a time and place for such hearing, which time shall be within 20 days from the date of the filing of the answer or as soon thereafter as the matter may be heard.

(2) If, upon ~~such~~ trial the order shall be sustained, judgment shall be given accordingly and a time shall be fixed within which the building or structure shall be altered, destroyed, or repaired in compliance with such order, but otherwise the court shall annul or set aside the order of condemnation."

Section 29. Section 50-62-107, MCA, is amended to read:

"**50-62-107. Proceedings on failure to comply with order.** (1) If the owner or other party in interest shall fail to comply with the order of condemnation of a building or structure within the time fixed by the court in case a trial is had therein, then the ~~state-fire-marshal~~ department of justice or any other officer authorized in 50-62-101 may proceed to cause such building or structure to be altered, repaired, or demolished in accordance with the directions

contained in such order.

(2) Where a building or structure is demolished in accordance with such order, the ~~state---fire---marshal~~ department or any other officer authorized in 50-62-101 may sell or dispose of the salvaged materials therefrom at public auction upon 5 days' posted notice. ~~This-person~~ The department or other officer shall keep an accurate account of the expenses incurred in carrying out the order and shall credit thereon the proceeds of such salvage sale, if any, and shall report ~~his-action~~ thereon with a statement of said expenses or the balance thereof, the expense incurred ~~by him~~, and the amount, if any, received from such salvage sale to the court for approval and allowance. The court shall examine, correct if necessary, and allow said expense account, and said amount so allowed shall constitute a lien against the real estate on which said building or structure is or was situated. If the amount thereof is not paid by the owner or other party in interest within 3 months after the account has been examined and approved by the court, the real estate upon which said building or structure is or was situated shall be sold under proper order of court by the sheriff of the county in which the same is situated in the manner provided by law for the sale of real estate upon execution, and the proceeds of said sale shall be paid into the treasury of the governmental unit which incurred the

expenses. If the amount received as salvage or on sale shall exceed the expense incurred by the governmental unit, the court shall direct the payment of the surplus to those parties with encumbrances, mortgages, or liens on the real estate in order of their priority and any surplus thereafter to the owner or the payment of the same into court for their use and benefit."

Section 30. Section 50-62-110, MCA, is amended to read:

"**50-62-110. Appeal to ~~state-fire-marshal~~ department of justice.** If the owner or occupant deems himself aggrieved by an order of an officer under this chapter, he may appeal to the ~~state-fire-marshal~~ department of justice within 24 hours and the cause of the complaint shall at once be investigated by direction of the ~~state-fire-marshal~~ department. Unless such order is revoked by the ~~state-fire-marshal~~ department, it shall remain in force and forthwith be complied with by such owner or occupant."

Section 31. Section 50-62-111, MCA, is amended to read:

"**50-62-111. Penalty for failure to comply with order to correct.** An owner or occupant of buildings or premises who fails to comply with the orders of the authorities named in this chapter shall be guilty of a misdemeanor and shall be fined not less than $10 or more than ~~$50~~ $500 for each day's neglect."

Section 32. Section 50-63-101, MCA, is amended to read:

"**50-63-101. Examination of premises where fire occurred authorized.** In the performance of the duties imposed by the provisions of this chapter, ~~the state fire marshal and each of his subordinates at all times of day or night~~ officers of the department of justice may, as authorized by law, enter upon and examine any building or premises where a fire has occurred and other buildings and premises adjoining or near thereto."

Section 33. Section 50-63-201, MCA, is amended to read:

"**50-63-201. Cause of fire to be investigated.** The cause, origin, and circumstances of each fire by which property has been destroyed or damaged shall be investigated to determine the exact cause and circumstances. The ~~state fire marshal~~ department of justice may superintend and direct the investigation ~~if he deems it necessary~~."

Section 34. Section 50-63-203, MCA, is amended to read:

"**50-63-203. Reports to be filed with ~~fire marshal~~ department of justice.** (1) If it appears that the fire was of suspicious origin, ~~or~~ if there was a loss of human life, or if it is determined that a criminal investigation is necessary, the official responsible for the investigation shall notify the ~~state fire marshal~~ department of justice and the appropriate law enforcement agency within 24 hours and shall file a written report of the cause with the ~~state fire marshal~~ department within 10 days.

(2) If the property was insured, as soon as any adjustment has been made, a person representing the insurance company shall notify the ~~state fire marshal~~ department of the amount of adjustment and the apparent cause and circumstances of the fire on forms furnished by the ~~state fire marshal~~ department.

(3) Each official responsible for investigating fires shall file a fire incident report on each ~~and every~~ fire with the ~~state fire marshal~~ department. Reports shall be on forms and shall contain information prescribed by the ~~state fire marshal~~ department. These reports shall be sent to the ~~state fire marshal~~ department on a ~~weekly~~ monthly basis or at intervals determined necessary by the department."

Section 35. Section 52-2-733, MCA, is amended to read:

"**52-2-733. Periodic visits to facilities by department -- investigations -- consultation with licensees and registrants.** (1) The department or its authorized representative shall make periodic visits to all licensed day-care centers to ensure that minimum standards are maintained.

(2) The department may investigate and inspect the conditions and qualifications of any day-care center, group day-care home, or family day-care home seeking or holding a license or registration certificate under the provisions of this part.

(3) The department must visit and inspect at least 20% of all registered family day-care homes and group day-care homes in each of the governor's planning regions annually.

(4) The department shall make annual unannounced visits to day-care centers.

(5) Upon request of the department, the department of health and environmental sciences or the state fire ~~marshal or his designee~~ prevention and investigation program of the department of justice shall inspect any day care facility for which a license or registration certificate is applied for or issued and shall report its findings to the department.

(6) Upon request, the department shall give consultation to every licensee and registrant who desires to upgrade the services of his program.

(7) Nothing in this section may be construed to require the department to conduct an inspection of each day-care facility applying for a registration certificate under the provisions of this part."

Section 36. Section 52-2-734, MCA, is amended to read:

"**52-2-734. Fire safety -- certification required.** (1) The state fire ~~marshal~~ prevention and investigation program of the department of justice shall adopt and enforce rules for the protection of children in day-care centers from fire hazards and arrange for such inspections and investigations

as it considers necessary.

(2) Before a license can be issued to operate a day-care center, each applicant shall submit to the department a certificate of approval from the state fire ~~marshal~~ prevention and investigation program of the department of justice ~~or his designee~~, indicating that fire safety rules have been met."

Section 37. Section 50-78-301, MCA, is amended to read:

"**50-78-301. Emergency and community information.** (1) An employer shall comply with the provisions of the federal Emergency Planning and Community Right-to-Know Act of 1986 or be subject to the enforcement provisions thereof.

(2) The local fire chief must be permitted onsite inspection of hazardous chemicals in any workplace, including workplaces under the control of a state agency, for the purposes of planning fire department activities in case of an emergency and reviewing compliance with this chapter. For a workplace that employs fire safety personnel, the local fire chief shall consult with the responsible fire safety official to clarify respective roles and response procedures in the event of an emergency.

(3) As a result of an inspection, the local fire chief may note and report for possible action by the county attorney or other appropriate law enforcement official any violation by an employer of a provision of this chapter or

any other law pertaining to hazardous chemicals or fire safety.

(4) The local fire chief shall consult at least annually on safety and emergency considerations with each person responsible for the operation of any research, educational, or testing laboratory workplace. The consultation may result in recommendations ~~or,--under--the provisions--of--50-62-108,--orders~~ by the fire chief to be implemented by the laboratory operator to enhance public safety, to reduce the likelihood of emergency incidents, or to improve emergency response in the event of an accident. The person responsible for the operation of the laboratory shall contact the local fire chief at any time there is a significant change in the location or nature of the hazardous chemicals in the workplace, initiation of any new and potentially dangerous method of processing or reacting hazardous chemicals, or any other operational change affecting emergency response considerations."

NEW SECTION. **Section 38.** Repealer. Sections 50-3-104, 50-3-105, 50-3-107, 50-3-108, 50-61-104, 50-61-105, 50-61-107, 50-61-108, 50-61-109, 50-61-110, 50-61-111, 50-62-108, 50-62-109, 50-63-301, 50-63-302, 50-63-303, 50-63-304, 50-63-305, 50-63-306, 50-63-307, and 50-63-308, MCA, are repealed.

NEW SECTION. **Section 39.** Coordination instruction. If

___Bill No.___ [LC 1119] is not passed and approved creating a fire prevention and investigation account in the state special revenue fund, then [section 13(2) of this act] is void.

NEW SECTION. **Section 40.** Effective date. [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0896, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to generally revise certain statutes pertaining to the powers and duties of the State Fire Marshal.

ASSUMPTIONS:

Department of Justice:
1. The volume of permits, licenses and certificates for fire extinguishers/fire alarms issued in FY90 will remain constant in FY92 and FY93. General fund revenue from fire extinguisher/fire alarm licenses and permits was $735 for FY90.
2. Section 13 of the proposed legislation would allow the fee charged to double.

Legislative Council:
3. The statutory name change required by HB0896 will be accomplished by the Code Commissioner executing his prescribed duties under 1-11,204, MCA, and can be done within existing responsibilities.
4. No assumptions are made on Sections 2 through 40 of the bill and no attempt will be made to assess any fiscal impact.

FISCAL IMPACT:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Revenue:						
Fire extinguishers permits (01)	700	1,400	700	700	1,400	700
Impact to General Fund	700	1,400	700	700	1,400	700

Rod Sundsted 2-21-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Mary Lou Peterson 2/23/91
MARY LOU PETERSON, PRIMARY SPONSOR DATE

CHAIRMAN--BILL STRIZICH
SECRETARY-JEANNE DOMME
NORMAL SCHEDULE==> SITE: ROOM 312-2 DAYS: M,T,W,T,F TIME: 8:00 A.M.

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
HB0797	2/12	2/20		DO PASS		2/20
RUSSELL, ANGELA			ALLOW INDIANS TO WITHDRAW CONSENT TO STATE JURISDICTION ON FLATHEAD RESERV.			
HB0810	2/13	2/22		TABLED ON 02/22		
SWYSGOOD, CHARLES			LIMITING LIABILITY OF LANDOWNERS TO FIREWOOD GATHERERS			
HB0821	2/13	2/20		PASS AS AMENDED		2/22
TOOLE, HOWARD			PARTIALLY REMOVE MINES, MILLS, AND SMELTERS FROM THE EMINENT DOMAIN LAWS			
HB0825	2/13	2/19		PASS AS AMENDED		2/22
BROWN, DAVE			REVISE CONCEALED WEAPON PERMIT LAW			
HB0834	2/13	2/22		TABLED ON 02/22		
SPRING, JR., WILBUR			EXPAND LIABILITY LIMITS FOR GOOD SAMARITAN EMERGENCY CARE			
HB0839	2/14	2/21		PASS AS AMENDED		2/22
LEE, THOMAS			INCARCERATE PERSON NOT COMPLETING TREATMENT PAST TIME SENTENCE WOULD EXPIRE			
HB0851	2/14	2/22				
WHALEN, TIM			REVISING WRONGFUL DISCHARGE ACT			
HB0864	2/14	2/20		DO PASS		2/20
GOULD, BUDD			SUPREME COURT ADMINISTRATOR TO ADMINISTER DISTRICT COURT FUNDING			
HB0872	2/14	2/20		TABLED ON 02/20		
COBB, JOHN			CLARIFY WAIVER OF IMMUNITY FOR IMPLIED CONTRACT			
HB0887	2/15	2/22		PASS AS AMENDED		2/23
WHALEN, TIM			SET LIMITS ON DISCOVERY IN CIVIL ACTIONS			
HB0896	2/16	2/22		PASS AS AMENDED		2/23
PETERSON, MARY LOU			GENERALLY REVISE FIRE MARSHAL LAW			

HB F 314

STATE
OF
MONTANA
DEPARTMENT OF JUSTICE
FIRE MARSHAL BUREAU
Room 371, Scott Hart Building, 303 North Roberts, Helena, Montana 59620-1417 (406) 444-2050

EXHIBIT 4
DATE 2-22-91
HB 896

FIRE MARSHAL BUREAU PROGRAMS

INSPECTIONS

The Bureau has responsibility for inspections in virtually every type of occupancy except private homes. The majority of effort gets placed on inspections which have separate statutory requirements such as the university system, institutions, homes for the developmentally disabled, and day care centers. In recent years, inspections related to flammable liquids and liquor license transfers have increased dramatically.

CODE DEVELOPMENT AND ADOPTION

The Bureau adopts model codes for fire prevention inspections, with such modifications as are needed to insure that the adopted codes conform to state law. Further, in those areas of regulation where there is no model code available, the Bureau develops administrative rules to implement state law .

INSPECTION SUPERVISION AND CODE INTERPRETATION

The Bureau is responsible for supervision and direction of local officials in implemention and enforcement of fire safety rules adopted to provide for public safety.

FIRE INVESTIGATION AND INSPECTION TRAINING

The Bureau presents training programs to fire and law enforcement personnel, as time and resources permit. Budgeted funds are offset by fees charged to particular parts in the programs. The Bureau also participates with the Fire Services Training School in course development and delivery.

FIRE PREVENTION AND SAFETY

The Bureau provides information to public officials and the public on fire safety. This includes home safety, heating safety, fire prevention grant administration, wild land fire interface safety, public presentations, development of PSA's and other efforts.

FIRE INVESTIGATION

The Bureau provides assistance in the determination of fire cause and origin to local authorities and further investigation of suspicious and incendiary fires.

2-22-91
HB 896

THREATS OF EXPLOSIVES IN STATE BUILDINGS

The Bureau is responsible for establishing rules for buildings housing state offices.

FIRE REPORTING PROGRAM

The Bureau collects fire and hazardous materials reports on forms provided by the Bureau to local agencies. The MFIRS system used is based on the National Fire Information System and Montana data is included in the national data base. The Bureau provides training to local agencies as time and resources permit.

FIRE PROTECTION EQUIPMENT

The Bureau provides licenses, permits and certificates of registration for fire extinguishers, fire alarm systems and fire extinguishing systems. These are required to install, service or sell such equipment.

LIAISON ACTIVITIES

Bureau personnel participate in programs with local, state and federal governments as well as insurance organizations and model code bodies on fire related issues.

EXHIBIT
DATE 2-22-91
HB 896

AMENDMENTS TO HB 896
Prepared by Beth Baker, Department of Justice

Page 12, line 17, through page 13, line 6: strike entire section.

Page 31, lines 3-11, amend to read:

(4) The local fire chief shall consult at least annually on safety and emergency considerations with each person responsible for the operation of any research, educational, or testing laboratory workplace. The consultation may result in recommendations ~~or, under the provisions of 50-62-108, orders~~ OR, UNDER THE PROVISIONS OF 50-62-102, ORDERS by the fire chief to be implemented by the laboratory operator to enhance public safety, to reduce the likelihood of emergency incidents, or to improve emergency response in the event of an accident.

Page 31, lines 19-20: Amend to read:

NEW SECTION. Section 38. Repealer. Sections 50-3-104, 50-3-105, 50-3-107, 50-3-108, 50-39-201, 50-39-202, 50-39-203, 50-61-104, 50-61-105 ...

EXHIBIT 4
DATE 2-22-91
HB 896

STATE
OF
MONTANA

DEPARTMENT OF JUSTICE

FIRE MARSHAL BUREAU

Room 371, Scott Hart Building, 303 North Roberts, Helena, Montana 59620-1417 (406) 444-2050

TO: Beth Baker
Assistant Attorney General

FROM: Ray E. Blehm, Jr.
State Fire Marshal

DATE: February 21, 1991

SUBJECT: HB 896 - STATE FIRE MARSHAL TESTIMONY

Mr. Chairman, members of the committee, for the record my name is Ray Blehm and I am the State Fire Marshal.

The State Fire Marshal is responsible for providing a range of services state-wide. These you will find detailed in the handouts provided to the committee.

In addition to myself, there is one deputy in Helena who is assigned to coordinate inspection activity and who also conducts on-site inspections in the Helena district.

There are five area deputies who are to provide investigations, inspections, assist local fire departments, answer code questions, provide fire safety information and deliver training to agencies and the public in their districts.

The Bureau also has two office staff to manage the state fire incident reporting system, issue licenses for fire protection equipment sales, service and installation, process correspondence and file.

When our deputies go into local areas, they are instructed to work with the fire service people and, if they are willing, to take them along for

inspections and investigations. This provides a type of on-the-job training.

Deputies are also instructed to make contact with local agencies about their duties and responsibilities under state law in order to implement the Bureau's responsibility to provide general charge and supervision.

The Attorney General interprets state law to require consistency with the State Fire Marshal's interpretation of the fire code. This results in a considerable amount of time researching and consulting with local authorities on the meaning of the fire code.

Many inspections performed by the Bureau are done in conjunction with other state agencies which license particular occupancies. For instance, failure to comply with the fire code can prevent renewal of a liquor license or day care center license.

Another area of significant activity revolves around above and below ground petroleum tank installations and the adoption of rules for these installations.

As State Fire Marshal, I attend [redacted] meetings of organizations which represent the fire service in Montana, make presentations on the duty of the fire service organizations under state law and various types of information of interest to the fire service community. I also serve on many committees, including the state's Hazardous Materials Response Commission, the Petroleum Tank Release Compensation Board as Vice Chairman, and currently am the chairman of the Building Codes Advisory Committee.

The bill before you today is the result of four and one-half years

working with and reviewing the state law and statutes with Beth Baker, Marc Racicot and others in the Department of Justice on implementation of the provisions of Montana's laws and adopted fire codes.

The result of this bill will be to better integrate the state Fire Marshal into the Department of Justice. It will modernize the provisions for the inspection and investigation program and improve our ability to implement the law. It will also correct some current provisions such as the requirement for county sheriff's to conduct fire inspections that are impractical and another requirement that all buildings be inspected every eighteen months.

Thank you for your consideration on HB 896. I recommend approval.

A109c.91

DATE 2-22-91
HB 896

HOUSE BILL NO. 896

DELETE:

Section 6. - lines 22-25 on page 5
lines 1-9 on page 6

INSERT:

Section 6. - line 10

10 (d) inspect <u>state-owned</u>, public, business, or industrial

Ex. 7
2-22-91
HB 896

HOUSE BILL NO. 896

DELETE:

Section 6. - lines 22-25 on page 5
lines 1-9 on page 6

INSERT:

Section 6. - line 10

(d) inspect <u>state-owned</u>, public, business, or industrial

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

House Judiciary COMMITTEE BILL NO. HB# 896

DATE 2-25-91 SPONSOR(S) Rep. Peterson

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
BETH BAKER	DEPT OF JUSTICE	896		✓
DUANE LARSON	MT. FIRE CHIEFS	896		✓
Ray Blehm	Dept of Justice Fire Marshal	896		✓
Rich LEVANDOWSKI	DEP. FIRE MARSHAL	896		✓
Henry E Lohr.	Mont State Vol. Firefighters Ass.	896		X
Don Hunn	City of Helena	896		X
Bob Knudson	" " "	896		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

CHAIRMAN--ELEANOR VAUGHN
NORMAL SCHEDULE==> SITE: ROOM 331 DAYS: M,T,W,T,F TIME: 10:00 A.M.
SECRETARY-DELORES HARRIS

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
HB0817	2/26	3/19		CONCUR		3/20
JOHNSON, ROYAL			ALLOWING STATE AID TO PUBLIC LIBRARIES CREATED UNDER TITLE 7			
HB0829	2/25	3/11		CONCUR AS AMENDED		3/14
PHILLIPS, JOHN			ALLOW ABSENT SERVICE ELECTORS TO REGISTER & VOTE ABSENTEE BEFORE ELECTION			
HB0830	3/28	4/08		CONCUR		4/08
PHILLIPS, JOHN			REVISE SUPPLEMENTAL BENEFIT CALCULATION FOR THE POLICE RETIREMENT SYSTEM			
HB0841	3/28	4/08		CONCUR		4/08
BERGSAGEL, ERNEST			APPROPRIATE MONEY FROM ALFALFA SEED INDUSTRY ACT TO MONTANA ALFALFA SEED COM			
HB0846	2/27				LABOR & EMPLOYMENT	
MENAHAN, RED			ALLOW PUBLIC INSPECTION OF BIDS AND PROPOSALS FOR PRIVATIZATION OF SERVICES			
HB0848	2/26	3/13		CONCUR		3/13
BARDANOUVE, FRANCIS			CREATE DEPARTMENT OF CORRECTIONS			
HB0866	3/28	4/09		CONCUR AS AMENDED		4/10
BROWN, DAVE			REORGANIZE ENVIRONMENTAL FUNCTIONS OF STATE GOVERNMENT			
HB0896	2/27	3/14		CONCUR AS AMENDED		4/10
PETERSON, MARY LOU			GENERALLY REVISE FIRE MARSHAL LAW			
HB0902	2/26	3/13		CONCUR		3/13
GRADY, ED			AUTHORIZE THE SALE OR EXCHANGE OF STATE LAND TO PUBLIC ENTITY			
HB0941	2/25	3/11		CONCUR		3/11
BENEDICT, STEVE			ALLOW MEMBERS IN SHERIFFS' RETIREMENT TO PURCHASE ADDITIONAL SERVICE			
HB0945	2/26	3/13		TABLED ON 04/18		
BRADLEY, DOROTHY			VACATION LEAVE POOL FOR ACTIVE DUTY EMPLOYEES			

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairperson Eleanor Vaughn, on March 14, 1991, at 10: A.M. in room 331.

ROLL CALL

Members Present:
Eleanor Vaughn, Chairman (D)
Bob Pipinich, Vice Chairman (D)
John Jr. Anderson (R)
Chet Blaylock (D)
James Burnett (R)
Bill Farrell (R)
Harry Fritz (D)
Bob Hockett (D)
Jack Rea (D)

Members Excused: Senator Bernie Swift

Staff Present: David Niss (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON HOUSE BILL 896

Presentation and Opening Statement by Sponsor:

Representative Mary Lou Peterson, House District 1, revises certain statutes pertaining to the powers and duties of the State Fire Marshall and moves the State Fire Marshall to the Department of Justice. She said the House had approved some amendments and didn't get them into the bill, so she's asking this committee to work on them.

Proponents' Testimony:

Beth Baker, Department of Justice, said the three major purposes of this bill are: 1. It cleans up and modernizes the Code as it pertains to the State Fire Marshall. It has existed since 1911 and many of the statutes are made obsolete by other provisions of the Code. There is a small fee increase in the bill. On Page 12, section 13 it raises from $25.00 to $50.00 the amount that may be charged for a license. 2. The bill changes the State Fire Marshall to the Fire Prevention and Investigation

Program of the Department of Justice and refers to the department rather than the marshall. 3. There will be some changes in the required duties. She pointed out an amendment in section 6 on pages 5 and 6, that will make all state buildings subject to the same requirements as every other public building. Presently the fire marshall is required to inspect annually all units of the university system and units of the state institutions to recommend fire safety and prevention. This amendment allows them to order compliance with the Fire Code, rather than simply a recommendation. The Department of Institutions has some concern about that amendment, because they work pretty well with the fire marshall and his recommendations. If the fire marshall decided to allow them a very short period of time to complete the upgrades to compliance with fire codes, they wouldn't have the money. The Department of Justice had proposed an amendment that made all state buildings the same as the university system as far as recommendations for compliance. The House Judiciary Committee took recommendations out and the University System and Institutions and put in the amendments to subsection A, which essentially makes all state owned buildings subject to the same requirements as other public buildings. There are amendments in the bill that will allow the Department to set a priority schedule for fire inspections. It will also allow the Department to certify a local fire inspection program and that will eliminate the need for the fire marshall to be involved with the day to day operations of city fire departments who have their own inspection programs. She handed out some amendments to sections of the code that were enacted in 1929. Exhibit 1.

Ray Blehm, State Fire Marshall, said he is responsible for providing a wide range of services. In Helena there is himself and 1 deputy, who coordinate inspection activity. There are 5 area deputies who provide investigations, inspections and assist local fire departments. The Bureau has 2 office staff that manages the state fire reporting system, issue licenses for fire protection equipment sales, services, and installation and provide correspondence and filing work. Deputies are instructed to take local firemen along when they contact businesses for inspections and investigations. Deputies contact local industries about their duties and responsibilities under State law. The Attorney General requires consistency with the state Fire Marshall's interpretation of the fire codes, which results in a tremendous amount of work on the local level. Failure to comply with a fire code can prevent renewal of a liquor license, day care license, etc.

Lyle Nagel, Montana State Volunteer Firefighters' Association and Montana State Fire Chiefs' Association, urges support of House Bill 896.

Henry Lohr, Montana State Volunteer Firefighters' Association, supports this bill and recommends a do pass.

James Walters, President of Montana Fire Districts' Association,

supports House Bill 896 as well as the amendments.

Don Hurni, Chief of the Helena Fire Department, supports this bill with the amendments.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Blaylock asked Beth Baker about the amendments to include all state buildings in the inspection process. She said the State Fire Marshall wants to promote safety, but they want to work with them to comply with fire code provisions, and hesitate to set the 30 to 90 day regulation upon all state buildings. This would allow them, or the City of Helena, to actually close down a state building if they didn't comply with the fire code. Ms. Baker said they presently do the inspections and make recommendations, which allows them a budget cycle to come into compliance.

Senator Farrell asked about the times during legislature when rooms don't meet occupancy load. Ray Blehm said that does happen.

Senator Hockett asked what are you doing now, when some agencies don't have the funds? Ray Blehm responded that with a school they can order compliance within a very short time, but they work with them within their budget cycles.

Senator Blaylock asked if he could shut down a state building? Ray Blehm responded that he could, but he is a bureau chief within the Department of Justice, he answers to a division administrator and he answers to the director of the Department. They operate within the boundaries of the law and the guidelines of the Department.

Senator Farrell thinks that we might add some amendments. He thinks recommendations are better.

Closing by Sponsor:

Representative Peterson explained that the fines go from $50 to $500. In 1911 a $50 was big, it is time to upgrade the fine.

EXECUTIVE ACTION ON HOUSE BILL 896

Discussion:

Senator Farrell suggests we insert an amendment to section C on line 6. He wants it to say recommend for state buildings. Senator Vaughn said this is happening on the local level where the fire inspectors are mandating special improvements. In

Missoula they closed down 2 school because they were unsafe. It's difficult with the budget constraints. Senator Vaughn asked Attorney Niss to prepare an amendment. Mr. Niss asked Senator Farrell who he wants to include in this amendment. Senator Farrell wants all state buildings to be under the recommendations, with a budget cycle to do the upgrades.

Senator Hockett thought that the University System should be forced to meet safety codes, because many students sometimes work in high hazards at times, such as a welding class, etc. But he wants all of the state entities to be handled the same.

Senator Farrell said the State Fire Marshall, the Department of Administration, and the Department of Justice can go to the legislature with the problem.

The Committee wants all state entities to be relieved of every year inspections. David Niss understands what the committee wants. He will write the amendments and bring them back to the committee.

Senator Rea asked if we are certain there are some fire inspections being done.

Amendments, Discussion, and Votes:

None

Recommendation and Vote:

None

HEARING ON HOUSE BILL 794

Presentation and Opening Statement by Sponsor:

Representative Scott McCullough, House District 96, Billings, said the purpose of House Bill 794 is to define holiday as a day off with pay. It clears up some confusion for the Department of Administration. He handed out exhibits 2 and 3, which were copies of the code that this bill would change.

Proponents' Testimony:

None

Opponents' Testimony:

None

Questions From Committee Members:

DATE March 14, 1991

COMMITTEE ON State Administration

HB 896 HB 500 HB

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
BETH BAKER	DEPT OF JUSTICE	896	✓	
Ray Bluhm	St Fire Marshal	896	✓	
Don Hurni	City of Helena Fire Chief	896	✓	
JAMES A. LOEFTOS	MT FIRE DIST ASSN	896	✓	
Lyle Nagel	Mt. St. Vol. Firefighters Assn Mt. St. Fire Chiefs Assn	896	✓	
MIKE COONEY	Sec of STATE	HB 500	✓	
Gene Huntington	Self	500	✓	

(Please leave prepared statement with Secretary)

STATE ADMIN.
EXHIBIT NO. 1
DATE 2-14-91
BILL NO. HB 896

AMENDMENTS TO HB 896
Prepared by Beth Baker, Department of Justice

Page 12, line 17, through page 13, line 6: strike entire section.

Page 31, lines 3-11, amend to read:

(4) The local fire chief shall consult at least annually on safety and emergency considerations with each person responsible for the operation of any research, educational, or testing laboratory workplace. The consultation may result in recommendations ~~or, under the provisions of 50-62-108, orders~~ OR, UNDER THE PROVISIONS OF 50-62-102, ORDERS by the fire chief to be implemented by the laboratory operator to enhance public safety, to reduce the likelihood of emergency incidents, or to improve emergency response in the event of an accident.

Page 31, lines 19-20: Amend to read:

NEW SECTION. Section 38. Repealer. Sections 50-3-104, 50-3-105, 50-3-107, 50-3-108, 50-39-201, 50-39-202, 50-39-203, 50-61-104, 50-61-105 ...

HEARING ON HB 896

Presentation and Opening Statement by Sponsor:

REP. MARY LOU PETERSON, House District 1, Eureka, introduced HB 896, a clean up measure intended to modernize the fire marshall statute and to make it consistent with other laws in the state. One question brought up several times is what will happen to the State Fire Marshall? On page 3, line 20, says the state fire marshall will still be the state fire marshall.

Proponents' Testimony:

Beth Baker, Department of Justice, passed out an explanation of the Fire Marshall Bureau Programs. **EXHIBIT 4** This bill has three major purposes. The first is to modernize and clean up the code as it pertains to fire marshalls. The office of the fire marshall has been in existence since at least 1911 and many of the statutes pertaining to its functions have also been there since 1911 and many are obsolete. There is one fee increase in the bill, raising from $25 to $50 the potential fee that may be charged to licenses and permits to sell and service fire protection equipment. This will generate about $700 a year to help defray the cost of the program. The second major purpose of the bill is to change the terminology of State Fire Marshall to Fire Prevention Investigation Program of the Department of Justice. The statute will refer in most cases to the Department rather than to the fire marshall. This gives flexibility in assigning functions. The final purpose of the bill is to make changes in what is required of the fire marshall. Inspection of all state buildings will be subject to the same requirements as inspections of state institutions and units of the university system. The most significant change in this bill is in sections 16 and 18. Section 18 will eliminate the requirement that every public building in the state be inspected at least once every 18 months to allow the department to establish a priority for these buildings. Section 16 will allow the department to certified a local fire inspection program for local fire codes, so the fire marshall would not have to be involved in the day to day operations of the local fire departments. Sections 18 removes the responsibility county sheriffs have to make fire code inspections. Two amendments are being proposed. **EXHIBIT 5** This is a good government bill that improves the efficiency of the law, and Ms. Baker urges do pass.

Ray Blehm, State Fire Marshall, supports HB 896 and provided written testimony. **EXHIBIT 6**

Don Hurni, Chief Helena Fire Department, represents the City of Helena. Chief Hurni is in favor of the bill, but proposes an amendment. **EXHIBIT 7** Some buildings that have problems are state owned buildings, and if it is a recommendation instead of ordering compliance, it is harder to deal with.

Duane Larson, Kalispell, represents Montana State Fire Chiefs Association in support of HB 896.

Opponents' Testimony: None

Questions From Committee Members:

REP. BOHARSKI asked Ms. Baker if she had seen the amendments proposed by Chief Hurni? **Beth Baker** said, yes, a few minutes ago. Presently the city fire marshall inspects units of the university system and units of state institutions and make recommendations. The City of Helena has been responsible for inspecting state owned buildings. The city position is they should be able to order the state to comply with the fire code in the same fashion they order private citizens to comply with the fire code, rather than making recommendations. It has been our experience that to order the state to spend $3,000 to design a sprinkler system may be a waste of time until it goes through all the regular appropriation processes.

REP. BOHARSKI said there appears to be a difference between what the City of Helena wants to do, and the recommendations the fire marshall wants to make on all state buildings uniformly. **Chief Hurni** said they would like to be able to treat state owned buildings the same as they would treat Helena High School. If the High School is told to have a certain exit so the fire department can get the kids out safely, and a state building has the same problem, Chief Hurni would rather not make a recommendation. He has a responsibility to get the exit to get people out of the building safely. Not just recommend, see the job gets done.

REP. BOHARSKI asked who currently deals with the university system? **Chief Hurni** said currently the State Fire Marshall takes care of institutions. If buildings are state owned and inside a corporate city limits, the State Fire Marshall does it with the local jurisdiction. The local jurisdiction has the obligation of getting the job done, but it can't complete the job because it is only a recommendation. **REP. BOHARSKI** said with this bill, the Department of Justice will have the responsibility. **Chief Hurni** said no. Local jurisdictions have an inspection program which is approved by the state fire marshall, but the local jurisdiction is still responsible for making recommendation.

REP. JOHNSON asked Ms. Baker if we would accept this amendment will it have fiscal impact on the state of Montana? **Beth Baker** thinks there will be a serious fiscal impact because of violations that would be ordered to comply.

REP. BROOKE asked Ms. Baker if this bill was an outgrowth of concern from a bill submitted last session to exempt rural fire district out of a schedule of inspections? **Beth Baker** said the responsibility exists on a rural and volunteer fire departments only if they have established an inspection program. If they

have no inspection program, the responsibility would be on the state fire marshall. That is also the section being amended to allow certification of a local program. That will eliminate duplication of effort where the city has an inspection program and fills the void where the rural fire district does not have an inspection program.

REP. BOHARSKI asked who is currently making the Department of Institution and the University System comply? **Beth Baker** said the deputy fire marshalls do all inspections of units of the university system and state institution. They make a report with recommendations but do not order the institutions to comply.

Mr. Blehm presented an illustration. The prison has a woodshop which is a highly hazardous occupancy. A report was received that the woodshop did comply with a recommendation made for a dust collection system and some other things. Mr. Blehm contacted the Department of Institutions and told them of the violation of code. The Department was trying to comply, had been put out for bids and only received two bids and one of which did not meet the needs. The woodshop could have been closed until it complied. Instead the fire marshall worked with them trying to get compliance as fast as possible. There is a liability consideration for the state of Montana if recommendations are ignored and operation proceeds not in conformance with fire codes. True, they are not ordered, but the fire marshall does work with them on compliance.

Closing by Sponsor:

REP. PETERSON will let the committee deliberate on all the issues raised.

HEARING ON HB 851

REP. TIMOTHY WHALEN, House District 93, Billings, presented HB 851 which is a modification to a bill passed in 1987. In 1987, Representative Spaeth carried a bill relating to Wrongful Discharge and limiting damages an employee could recover from a wrongful discharge action. HB 851 removes the artificial cap placed on damages and leaves that up to a jury to determine each specific case. It also leaves the law the way it is with every other legal dispute under uniform arbitration act. At any time an agreement is entered into, they can arbitrate if they so desire.

Proponents' Testimony:

Dan Edwards, International Representative of Oil, Chemical, and Atomic Workers Union, and member of the Board of Directors of the Montana ACLU, believes the changes proposed by Rep. Whalen are appropriate. It is not fair to limit the damages a person who is wrongfully discharged can collect. Mr. Edwards asks committee support of the bill.

Discussion:

REP. WHALEN asked John MacMaster to explain the amendment. **John MacMaster** said Rep. Toole had a bill passed out of this committee which amended 33-18-201, to add to that section a new subsection 15. Page 2 of HB 652 line 25 and over to line 1 of page 3 strikes out certain subsections of 33-18-201. Rep. Whalen wants to insure that subsection 15 of section 33-18-201 will also be stricken as are the other subsections on line 1, of page 3, to be sure that this bill and Toole's bill don't have the result of subsection 15 not being stricken for purposes of section 1 of this bill.

Motion/Vote: REP. BROWN MADE A SUBSTITUTE MOTION THAT HB 652 BE TABLED. Motion carried 14 to 6 on roll call vote. **EXHIBIT 16**

Motion/Vote: REP. WHALEN MOVED TO RECONSIDER THE BILL. Motion failed.

EXECUTIVE ACTION ON HB 896

Motion: REP. RICE MOVED HB 896 DO PASS.
REP. JOHNSON moved to amend HB 896 as provided by the staff attorney.

Vote: Motion to amend carried.

Motion/Vote: REP. JOHNSON MADE A SUBSTITUTE MOTION THAT HB 896 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 887

Motion: REP. WHALEN MOVED HB 887 DO PASS.
REP. WHALEN moved to amend HB 887 on line 15, striking numeral 4 and insert numeral 8.

Discussion:

REP. WHALEN said the purpose of the amendment to provide the 8 hours for a deposition instead of 4.

Vote: Motion to amend carried

Motion: REP. WHALEN MADE A SUBSTITUTE MOTION THAT HB 887 DO PASS AS AMENDED.

Discussion:

REP. WHALEN said this is the correct forum to deal with civil procedures. There are 13 statutes that deal with civil procedures.

REP. MEASURE endorses the bill.

Senator Vaughn said there were 4 military leave benefit bills offered. We have been waiting to see if the bonus bill sponsored by Representative Pavlovich would pass. His bill has been tabled in the House. Representative Bradley said we could hold House Bill 945, which allowed state employees to contribute annual vacation leave to a pool to be used for military service benefits. There hasn't been any request to act on House Bill 945 or House Bill 734 so it's probably better to wait. During the next 2 years, we can get a count of who was there and then come in with an appropriate bonus that would be fair to everyone who served.

Amendments, Discussion, and Votes:

Senator Farrell called attention to the amendments that the retirement board had suggested if this bill was enacted. He explained that when a person joins the National Guard or Reserves he knows the obligation that he committed to, that the government paid for and the risk that he accepted. He has been paid for the weekend training sessions and that is a "benefit" other state employees don't get. Senator Vaughn said several different people have said the same thing. It is part of the requirement that they do serve in times of emergency if called upon.

Senator Farrell moved to TABLE HOUSE BILL 577. The ROLL CALL VOTE was 9 yes and 1 no. Motion carried to TABLE HB 577. Senator Farrell said this is the responsible thing to do until we know the numbers more fully. Senator Pipinich said some of the lower paid service people have a problem with their family payments, while they're serving overseas.

Recommendation and Vote:

None

EXECUTIVE ACTION ON HOUSE BILL 896

Discussion:

Senator Vaughn said House Bill 896 revises the statutes pertaining to the powers and duties of the State Fire Marshall.

Senator Farrell had asked David Niss to prepare some amendments and David explained them. (Exhibit 1) It simply says that the State Fire Marshall is required to inspect all state buildings as often as his budget and other inspection duties allow, but no more often than once each year, unless requested by the heads of the departments. It also specifies that the State Fire Marshall inspection reports must be given to the appropriate department head. It says the State Fire Marshall will counsel the public agency regarding the safety requirements and inspections, and whether their buildings measure up to the requirements.

Senator Farrell said he was concerned about the appropriation process and having these agencies allowed to come to the legislature after inspection to get appropriation to bring their buildings up to code. This gives the departments the opportunity to work with the Architects and Engineering Division and the legislature.

Senator Blaylock asked Beth Baker, attorney for the Department of Justice what she thought of these amendments? Attorney Baker said that the Department of Justice agrees with the amendment proposed by Senator Farrell. This keeps the state from the jeopardy of having a building closed down.

David Niss also had prepared an amendment requested by the Attorney General's office on the day of the hearing. These amendments repeal some sections which were scheduled for amendment.

Beth Baker, attorney for the Department of Justice, explained that these sections are no longer needed. They are outdated regulations that spoke to standardizing fire fighting equipment, and the need for these is long since past.

Senator Blaylock asked Beth Baker if she had checked all the amendments? Beth Baker said, "Yes, she had checked them all."

Amendments, Discussion, and Votes:

Senator Farrell moved to accept the amendments in Exhibit 1. The VOTE was UNANIMOUS in favor of amending House Bill 896.

Senator Pipinich moved to accept the amendments in Exhibit 2. The VOTE was UNANIMOUS in favor of the second set of amendments.

Recommendation and Vote:

Senator Blaylock moved that we DO CONCUR AS AMENDED IN HOUSE BILL 896. The VOTE was UNANIMOUS in favor of the bill. Senator Farrell will carry House bill 896 to the Senate floor.

EXECUTIVE ACTION ON HOUSE BILL 866

Motion:

Senator Burnett moved we restore House Bill 866 back to it's original intent.

Discussion:

Senator Vaughn said she spoke to people who had worked on the subcommittee. They had worked very hard. There is quite an expense attached to it. After they had reviewed it and contacted many who were involved with it, they made the amendment that the

SENATE STANDING COMMITTEE REPORT

April 10, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 896 (third reading copy -- blue), respectfully report that House Bill No. 896 be amended and as so amended be concurred in:

1. Title, line 12.
Strike: "50-39-202,"

2. Title, line 18.
Following: "50-3-108,"
Insert: "50-39-201, 50-39-202, 50-39-203,"

3. Page 2, line 4.
Strike: "37"
Insert: "36"

4. Page 6.
Following: line 10
Insert: "(a) inspect each unit of the Montana university system and other state buildings, including state institutions, as often as its budget and other inspection duties allow, but no more frequently than once each year unless requested by the commissioner of higher education for buildings in the university system, by the department of institutions for state institutions, or by the department of administation for all other state buildings. A copy of the inspection report for units of the university system must be given to the commissioner of higher education, a copy of the inspection report for state institutions must be given to the department of institutions, and a copy of the inspection report for all other state buildings must be given to the department of administration. The department of justice shall advise the commissioner of higher education and the directors of the departments of institutions and administration concerning fire prevention, fire protection, and public safety when it distributes the reports."
Renumber: subsequent subsections

5. Page 6, line 11.
Strike: "STATE-OWNED AND OTHER"
Following: "public,"
Insert: ","

6. Page 6, line 12.
Strike: "BUILDINGS AND"
Following: "business,"
Insert: ","

7. Page 12, line 18 through line 7 on page 13.
Following: line 17
Strike: section 14 in its entirety

Renumber: subsequent sections

8. Page 31, line 9.
Following: "~~orders~~"
Insert: "or, under the provisions of 50-62-102, orders"

9. Page 31, line 21.
Following: "50-3-108,"
Insert: "50-39-201, 50-39-202, 50-39-203,"

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

Amd. Coord. 4-10-91

Sec. of Senate

761410SC.Sji

SENATE STATE ADMIN.
EXHIBIT NO. 1
DATE 4-10-91
BILL NO. HB 896

Amendments to House Bill No. 896
Third Reading Copy

Requested by Sen. Farrell
For the Committee on State Administration

Prepared by David S. Niss
April 9, 1991

1. Page 6.
Following: line 10
Insert: "(a) inspect each unit of the Montana university system and other state buildings, including state institutions, as often as its budget and other inspection duties allow, but no more frequently than once each year unless requested by the commissioner of higher education for buildings in the university system, by the department of institutions for state institutions, or by the department of administation for all other state buildings. A copy of the inspection report for units of the university system must be given to the commissioner of higher education, a copy of the inspection report for state institutions must be given to the department of institutions, and a copy of the inspection report for all other state buildings must be given to the department of administration. The department of justice shall advise the commissioner of higher education and the directors of the departments of institutions and administration concerning fire prevention, fire protection, and public safety when it distributes the reports."
Renumber: subsequent subsections

2. Page 6, line 11.
Strike: "STATE-OWNED AND OTHER"
Following: "public,"
Insert: ","

3. Page 6, line 12.
Strike: "BUILDINGS AND"
Following: "business,"
Insert: ","

SENATE STATE ADMIN.
EXHIBIT NO. 2
DATE 4-10-91
BILL NO. HB 896

Amendments to House Bill No. 896
Third Reading Copy

For the Committee on State Administration

Prepared by David S. Niss
April 9, 1991

1. Title, line 12.
Strike: "50-39-202,"

2. Title, line 18.
Following: "50-3-108,"
Insert: "50-39-201, 50-39-202, 50-39-203,"

3. Page 2, line 4.
Strike: "37"
Insert: "36"

4. Page 12, line 18 through line 7 on page 13.
Following: line 17
Strike: section 14 in its entirety
Renumber: subsequent sections

5. Page 31, line 9.
Following: "~~orders~~"
Insert: "or, under the provisions of 50-62-102, orders"

6. Page 31, line 21.
Following: "50-3-108,"
Insert: "50-39-201, 50-39-202, 50-39-203,"